

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 6174 of 1996****For Approval and Signature:****HONOURABLE MR.JUSTICE M.R. SHAH**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?

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VN SOLANKI & 11 - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

MR GIRISH PATEL for Petitioner(s) : 1, None for Petitioner(s) : None for Petitioner No(s).: for Petitioner(s) : 2 - 12.
Ms. Maithily Mehta, AGP for Respondent(s) : 1 - 2.
NOTICE SERVED BY DS for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH**Date : 27/09/2006****ORAL JUDGMENT**

Shri Shrimali, learned advocate appearing for the petitioners, has submitted that, out of 12 petitioners, 10 petitioners have already retired and petitioners No. 8 and 12 are in

service. He has submitted that since 1997, the petitioners No. 8 and 12 are getting the benefit according to Rule 41A of the B.C.S.R., and therefore he does not press the present Special Civil Application at this stage. However, he has submitted that if in future there is any difficulty and/or any recovery proceeding, liberty be reserved in favour of the petitioner to challenge the same by way of appropriate proceeding.

2. With the above liberty, the present Special Civil Application is dismissed as not pressed. Rule is discharged. Ad-interim relief stands vacated forthwith.

[M.R. Shah, J.]

rmr.